

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

JAN 25 2002

ROBERT FIDEL ARELLANO, CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Gallina, Section 5

Subfile No.: CHGA-02-0007

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

**ROBERT FIDEL ARELLANO
ELISAIDA PADILLA**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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OFFICE OF THE STATE ENGINEER
LEGAL SERVICES DIVISION

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4. The rights of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, are set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 01126, 01127 & 01128 date filed 5/19/1948

Priority: Reserved for future determination by court order entered March 15, 2000.

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Valdez Ditch

Location X: 1,479,666 feet **Y:** 1,900,246 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Section 14, Township 23N, Range 01E, N.M.P.M.

Pt. SE¼	3.2 acres
Total	3.2 acres

As shown on the 2001 Hydrographic Survey Map CHGA- 2.

Amount of Water: Reserved for future determination by court order entered March 15, 2000.

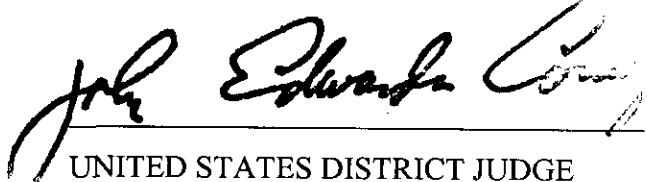
5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein.

The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

ACCEPTED: <u><i>Robert Fidel Arellano</i></u>	ACCEPTED: <u><i>Elisaida Padilla</i></u>
ROBERT FIDEL ARELLANO	ELISAIDA PADILLA
ADDRESS: <u><i>1100 Kansas</i></u>	ADDRESS: <u><i>Box 12</i></u>
<u><i>Green River</i></u>	<u><i>Gallina New</i></u>
<u><i>Wyo 82435</i></u>	<u><i>Mexico 87017</i></u>
DATE: <u><i>12-17-01</i></u>	DATE: <u><i>12-17-01</i></u>

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

12-24-01
Date